

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

KARI MANTILLA,

Plaintiff,

v.

No. 14-cv-1124 JCH/SMV

**SANDOVAL COUNTY, TOM SKOPAYKO,
O. CAVALLERO, and STACEY GUSTAFSON,**

Defendants.

**ORDER GRANTING IN PART
DEFENDANT GUSTAFSON'S MOTION TO COMPEL**

THIS MATTER is before the Court on Defendant Stacey Gustafson's motion to compel joint counseling records [Doc. 59], filed on July 22, 2015. Plaintiff responded on August 10, 2015. [Doc. 53]. Defendant replied on August 28, 2015. [Doc. 67]. The Court heard oral argument on September 16, 2015. *See* [Doc. 73]. The Court, having considered the briefing, oral argument, and relevant law and being otherwise fully advised in the premises, finds that the Motion is well-taken in part and should be granted to the extent that the records shall be reviewed *in camera*.

Plaintiff has asserted a claim for damages for emotional distress. Counseling records from The Family Workshop pertaining to Plaintiff and/or the minor child A.M. may contain information provided by or about Plaintiff that is relevant to her emotional distress claim for damages. Therefore, some or all of the records from The Family Workshop may be relevant and discoverable. The Court will review all of the records *in camera* to determine whether any is discoverable.

As such, the Court finds the motion is well taken, and is **GRANTED in part**.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff shall sign “Authorizations to Disclose Protected Health Information (Mental Health Records)”¹ for herself and the minor child A.M. and submit said Authorizations to Counselor Juanita Baca or her agent or representative from The Family Workshop with a request to produce the complete charts or files pertaining to any counseling involving Plaintiff and/or the minor child A.M. The Authorizations shall be submitted to Ms. Baca/The Family Workshop no later than **October 2, 2015**. Ms. Baca/The Family Workshop shall produce the complete chart(s) to Plaintiff’s counsel no later than **October 30, 2015**. Counsel for Plaintiff will then Bates-stamp the records and provide all of them to the Court no later than **November 13, 2015**, for an *in camera* inspection to determine whether any of the records are discoverable.

The Court **DENIES** Defendant’s request for sanctions.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge

¹ See D.N.M.LR-Civ. app. A, Local Form 2.